

IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: May 17, 2019.



TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
Western District of Texas
Austin Division

IN RE: Walter Dean Marth and Carol Joan Marth, Debtor(s)

Case No.: 19-10147-tmd

Chapter No.: 7

ORDER DISMISSING PLEADING (ECF NO. 11) FOR LACK OF COMPLIANCE WITH LOCAL RULES

Doc # 11 – Motion to Redeem Property of the Estate (21 Day Objection Language) filed by Douglas J. Powell for Debtors Carol Joan Marth, Walter Dean Marth (Attachments: # 1 Exhibit Exhibit D-1 Affidavit of Walter Dean Marth)(Powell, Douglas)

Upon consideration thereof, the court notes that the filing is deficient in the following respects:

- ☐ The pleading does not include the signer's mailing address, telephone number and area code.
- ☐ The filing is not accompanied by the requisite form of notice.
- ☐ The Chapter 13 plan does not comply with Standing Order 17-02 which requires that the current District Form Chapter 13 plan be filed in all Chapter 13 cases with petition dates on and after November 1, 2017. **The debtor has seven (7) days from the date of this order to file a District Form Chapter 13 plan. Failure to comply may result in the case being dismissed without further notice.** The Standing Order and District Form Chapter 13 plan may be found at <http://www.txwb.uscourts.gov/official-forms-western-district-texas> .
- ☐ The Chapter 13 Plan must be accompanied by certificate of service and served on all parties.
- ☐ The pleading must be accompanied by a certificate of service and served on all parties.
- ☐ The pleading lacks the appropriate and/or no certificate of service per Local Rule 9013(c):
 - ☐ (1) The certificate of service must be signed by an attorney or party (if appearing without counsel), certifying that service has been accomplished in the manner and on the date stated in the certificate and upon the parties required to be served.
 - ☐ (2) The certificate of service must list each of the entities served and their addresses.
 - ☐ (3) With Court approval, a party may serve a summary of a pleading where the pleading is voluminous, or the number of parties to be served is excessively large. In such cases, the summary shall be filed, and the certificate of

service shall be appended to the summary.

- ☐ (4) No certificate of service.
- ☐ The filing states an incorrect time for notice to file objections, see Local Rule 9014(a) revised 11/1/2013.
- ☐ The filing states an incorrect time for notice to file objections, see Local Rule 4001(a)(2) regarding motions for relief from stay as revised 11/1/2013.
- ☐ The pleading lacks the appropriate certificate of conference pursuant to Local Rules 9014(e) and 9014(f).
- ☐ The pleading lacks the proposed form of order attached as an exhibit to the motion, see Local Rule 9013(b) revised 11/1/2013.
- ☐ The pleading lacks the separately uploaded proposed order, see Local Rule 9013(b) revised 11/1/2013.
- ☐ The Objection to Claim is not in compliance with the Standing Order Regarding Objections to Proofs of Claim.
- ☐ The filing is not in compliance with the current Official Bankruptcy Form(s).
- ☐ An objection to exemption must be served on all parties.
- ☒ Other(describe): Local Rule 6008 requires an affidavit containing the last four digits of the account number by which the creditor can identify the loan transaction on a Motion to Redeem Property of the Estate.

The court concludes that the filing should be dismissed without prejudice to its refiling. So **ORDERED**.

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